

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONALD GEORGE LINDEN,

Plaintiff,

CIV-S-04-2696 FCD GGH PS

vs.

SOCIAL SECURITY ADMINISTRATION;
JOANN B. BARNHART, Commissioner;
LESLIE S. WALKER, Regional Director,
Northern California,

Defendants.

ORDER

On August 1, 2006, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within ten days. Plaintiff filed objections on August 9, 2006, and they were considered by the district judge.

This court reviews de novo those portions of the proposed findings of fact to which objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As to any portion of the proposed findings of fact to which no objection has been made, the court assumes its correctness and decides the motions on the applicable law. See Orand v.

1 United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are
2 reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir.
3 1983).

4 The court has reviewed the applicable legal standards and, good cause appearing,
5 concludes that it is appropriate to adopt the Proposed Findings and Recommendations in full.

6 Accordingly, IT IS ORDERED that:

7 1. The Proposed Findings and Recommendations filed August 1, 2006, are
8 ADOPTED;

9 2. Plaintiff's claims against defendant Leslie S. Walker are dismissed pursuant to
10 Fed. R. Civ. P. 4(m) and 12(b)(5);

11 3. Defendants' motion to dismiss filed May 23, 2005, is granted; and

12 4. Defendants' motion for summary judgment filed May 23, 2005, is granted.

13 DATED: September 6, 2006

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15 /s/ Frank C. Damrell Jr.
16 FRANK C. DAMRELL JR.
17 United States District Judge
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